UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/893,733	06/29/2001	Eric B. Remer	P 280356 P10199	3347

			EXAMINER
27496	7590	12/15/2004	PATEL, NIKETA I

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ART UNIT	PAPER NUMBER
2182	

DATE MAILED: 12/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	09/893,733	REMER, ERIC B.
	Examiner	**Art Unit**	
	Niketa I. Patel	2182	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on <u>29 June 2001</u>.

2a) ☐ This action is **FINAL**.   2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is

closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) *1-30* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) *1-30* is/are rejected.

7) ☒ Claim(s) *4-6,16,22 and 23* is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on <u>29 June 2001</u> is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a) ☐ All   b) ☐ Some * c) ☐ None of:

      1. ☐ Certified copies of the priority documents have been received.

      2. ☐ Certified copies of the priority documents have been received in Application No. _____.

      3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage

        application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Objections

1.   Claims 4-6, 16 and 22-23 are objected to because of the

following informalities:

a.   In claim 4, line 8 recites, 'requesting the

configuration **configuration** from the' .   Appropriate

correction is required. Claims 5-6 depends from claim 4

therefore inherit the same deficiency.

b.   In claim 16, line 5 the word **mechanism** is misspelled.

c.   In claim 22, line 2 the word **registration** is

misspelled. Claim 23 depends from claim 4 therefore inherit

the same deficiency.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under

this section made in this Office action:

A person shall be entitled to a patent unless -

(e) The invention was described in (1) an application for patent, published
under section 122(b), by another filed in the United States before the
invention by the applicant for patent or (2) a patent granted on an
application for patent by another filed in the United States before the
invention by the applicant for patent, except that an international
application filed under the treaty defined in section 351(a) shall have the
effects for purposes of this subsection of an application filed in the
United States only if the international application designated the United

States and was published under Article 21(2) of such treaty in the English
language.

3.   Claims 1-3, 7, 10-18, 20, 22-27 and 29-30 rejected under 35

U.S.C. 102(e) as being anticipated by Cochran et al. U.S. Patent

Application Publication No.: 2002/0161867 A1, hereinafter

'Cochran.'

4.   **Referring to claims 1, 7, 14, 17-18, 24, 29,** Cochran

teaches sending, by a self-initiated configuration mechanism in

a headless device, a configure service request to a

configuration service mechanism across network, the service

request asking for a configuration specification corresponding

to the headless device [see paragraphs 37, 39]; returning, by

the configuration service mechanism, the configuration

specification to the self-initiated configuration mechanism [see

paragraph 39]; and configure, by the self-initiated

configuration mechanism, the headless device according to the

configuration specification received from the configuration

service mechanism [see paragraph 39.]

5.   **Referring to claim 2,** Cochran teaches registering the

headless device, prior to the sending, with the configuration

service mechanism using a device identification of the headless

device [see paragraph 37.]

6.   **Referring to claim 3,** *Cochran* teaches receiving, by the

configuration service mechanism from a configuration

specification setup mechanism, a request to set up the

configuration specification of the headless device, the request

including the device identification [see paragraphs 37, 39];

recording the device identification of the headless device to

register the headless device [see paragraphs 37, 39]; and

storing the configuration specification of the headless device

[see paragraphs 37, 39.]

7.   **Referring to claims 10, 30,** *Cochran* teaches receiving a

request from a headless device with a device identification

associated with the headless device [see paragraphs 37, 39];

initializing a configuration specification of the headless

device, if the request requests to set up an initial

configuration specification of the headless device with the

configuration service [see paragraphs 37, 39]; updating the

configuration specification of the headless device, if the

request requests to update the current configuration

specification of the headless device [see paragraph 40]; and

forwarding the configuration specification of the headless

device to a routable address received with the request, if the

request requests a configuration service [see paragraphs 37,

39.]

8.   **Referring to claim 11,** *Cochran* teaches wherein the

initializing comprises: registering the headless device using

the device identification [see paragraphs 37, 39]; setting up

the initial configuration specification of the headless device

[see paragraphs 37, 39]; and storing the initial configuration

specification of the headless device as the current

configuration specification of the headless device [see

paragraphs 37, 39.]

9.   **Referring to claim 12,** *Cochran* teaches wherein the updating

comprises: updating the current configuration specification of

the headless device to generate an updated configuration

specification of the headless device [see paragraph 40]; and

replacing the current configuration specification with the

updated configuration specification [see paragraph 40.]

10.   **Referring to claim 13,** *Cochran* teaches wherein the

forwarding comprises: retrieving the configuration specification

of the headless device using the device identification [see

paragraphs 37, 39]; and sending the configuration specification,

retrieved by the retrieving, to the routable address [see

paragraphs 37, 39.]

11.   **Referring to claim 15,** *Cochran* teaches wherein the headless

device comprises: a communication mechanism for perform

communications across the network [see paragraphs 37, 39]; and a

self-initiated configuration mechanism for configuring the

headless device using a configuration specification that is set

up for the headless device in the configuration service

mechanism and received, upon a request, from the configuration

service mechanism via the communication mechanism [see

paragraphs 37, 39.]

12.   **Referring to claim 16,** *Cochran* teaches further comprising:

a configuration specification set up mechanism connecting to the

configuration service mechanism via the network for setting up

the configuration specification of the at least one headless

device, the setting up including initializing a configuration

specification of a headless device when the headless device is

initially registered with the configuration service mechanism

and updating the configuration specification of a headless

device that is previously registered with the configuration

service mechanism [see paragraph 40.]

13.   **Referring to claim 20,** *Cochran* teaches wherein the

configuration specification retrieval mechanism comprises: a

request initiation mechanism for initiating a request to the

configuration service mechanism to retrieve the configuration

specification based on the device identification, the request

being sent with the device identification and the routable

address, to where the retrieved configuration specification is

sent [see paragraphs 37, 39]; and a receiver for receiving,

after the request is sent, the configuration specification from

the configuration service mechanism [see paragraphs 37, 39.]

14.   **Referring to claim 22,** *Cochran* teaches a configuration

service mechanism, comprising: a registeration mechanism for

registering a headless device with an initial configuration

specification using a device identification corresponding to the

headless device [see paragraphs 37, 39]; an on-line

configuration mechanism for providing configuration service to a

headless device by retrieving and sending, upon a request, the

configuration specification of a registered headless device to a

specified routable address [see paragraph 40]; and an updating

mechanism for facilitating the update of the configuration

specification of a registered headless device [see paragraphs

40.]

15.   **Referring to claim 23,** *Cochran* teaches a network

communication mechanism for performing communications [see

paragraphs 37, 39]; and a configuration specification storage

for storing the configuration specification of a headless

device, the configuration specification being accessed based on

the device identification of the headless device [see paragraphs

37, 39.]

16. **Referring to claim 25,** *Cochran* teaches wherein the program

further causes, when executed: receiving, prior to the sending,

a request to register the headless device and its corresponding

configuration specification using a device identification sent

with the request [see paragraphs 37, 39]; recording the device

identification of the headless device [see paragraphs 37, 39];

and storing the configuration specification of the headless

device [see paragraphs 37, 39.]

17. **Referring to claim 26,** *Cochran* teaches wherein the

returning comprises: receiving the configuration service request

with a device identification and a routable address [see

paragraphs 37, 39]; retrieving the configuration specification

based on the device identification [see paragraphs 37, 39]; and

sending the configuration specification, retrieved by the

retrieving, to the routable address [see paragraphs 37, 39.]

18. **Referring to claim 27,** *Cochran* teaches a computer-readable

medium encoded with a program for self-initiated configuration,

the program causing, when executed: determining a routable

address [see paragraphs 37, 39]; requesting a configuration

service mechanism to retrieve a configuration specification of a

headless device according to a device identification of the

headless device and to send the configuration specification to

the routable address [see paragraphs 37, 39]; receiving the

configuration specification, retrieved using a device

identification and sent from the configuration service mechanism

to the routable address [see paragraphs 37, 39]; and configuring

the headless device according to the configuration specification

[see paragraphs 37, 39.]

Claim Rejections - 35 USC § 103

19.   The following is a quotation of 35 U.S.C. 103(a) which

forms the basis for all obviousness rejections set forth in this

Office action:

> (a) A patent may not be obtained though the invention is
> not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the
> subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been
> obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject
> matter pertains. Patentability shall not be negatived by
> the manner in which the invention was made.

20.   Claim 21 is rejected under 35 U.S.C. 103(a) as being

unpatentable over Cochran et al. U.S. Patent Application

Publication No.: 2002/0161867 A1, hereinafter 'Cochran.'

21.   **Referring to claim 21,** Cochran teaches a headless device,

comprising: a communication mechanism for performing

communications and a self-initiated configuration mechanism for

configuring the headless device via a configuration service

mechanism through the communication mechanism [see paragraphs

37, 39] however, does not set forth the limitation of a time out

mechanism for controlling the receiver to receive the

configuration specification within a length of time determined

according to a time out condition.

It would have been obvious to one of ordinary skill in the

art at the time of applicant's invention that it was old and

well know in the computer art to get the advantage of saving

system resources by setting a time out condition on receiving

configuration specification to prevent the receiver form falling

into an infinite wait-state loop. It would have been obvious to

one of ordinary skill in the art at the time of applicant's

invention to include of a time out mechanism for controlling the

receiver to get this advantage.

22.   Claims 4-6, 8-9, 19 and 28 are rejected under 35

U.S.C. 103(a) as being unpatentable over Cochran et al. U.S.

Patent Application Publication No.: 2002/0161867 A1, hereinafter

'Cochran' as applied to claims 1, 7, 17, 27 above, and further

in view of Gitlin et al U.S. Patent Number: 6,691,170 B1,

hereinafter 'Gitlin.'

23.   **Referring to claims 4, 8, 19, 28,** Cochran teaches

requesting, if an address for a server, which manages allocation

of routable addresses across network, can be retrieved from the
self-initiated configuration mechanism, a routable address from
the server [see paragraphs 6, 50] however does not set forth the
limitation of selecting, if the address for the server can not
be retrieved from the self-initiated configuration mechanism, a
routable address from at least one alternative routable address
stored in the self-initiated configuration mechanism; and
requesting the configuration from the configuration service
mechanism using the device identification, that is to be used to
identify the configuration specification, and the routable
address, to where the configuration specification of the
headless device is to be returned. *Gitlin* teaches a use of an
alternative routable address [see *Gitlin* column 3, lines 11-25]
in order to avoid communication conflicts.

One of ordinary skill in the art at the time of applicant's
invention would have clearly recognized that it is quite
advantageous for system of *Cochran* to be use an alternate
address in order to avoid communication conflicts. It is for
this reason that one or ordinary skill in the art would have
been motivated to implement *Cochran's* system with the ability to
use an alternate address in order to avoid communication
conflicts.

24. **Referring to claim 5,** *Cochran* teaches receiving the

configuration service request with the device identification and

the routable address [see paragraphs 37, 39]; retrieving the

configuration specification based on the device identification

[see paragraphs 37, 39]; and sending the configuration

specification, retrieved by the retrieving, to the routable

address [see paragraphs 37, 39.]

25. **Referring to claim 6,** *Cochran* teaches receiving a request

to update the existing configuration specification of a headless

device, the request including a device identification of the

headless device [see paragraphs 37, 39]; and updating the

existing configuration specification of the headless device

according to the request to generate updated configuration

specification [see paragraph 40]; and replacing the existing

configuration specification with the updated configuration

specification [see paragraphs 37, 39.]

26. **Referring to claim 9,** *Cochran* teaches a headless device,

comprising: a communication mechanism for performing

communications and a self-initiated configuration mechanism for

configuring the headless device via a configuration service

mechanism through the communication mechanism [see paragraphs

37, 39] however, does not set forth the limitation of activating

a time out mechanism that enforces a time out control according

to a time out condition, the time out condition defining a length of time; if the configuration specification is not received within the length of time and if the routable address is determined by the selecting, returning to the selecting; and if the configuration specification is not received within the length of time and if the routable address is determined by the server, returning to the requesting the configuration specification. however, does not set forth the limitation of a time out mechanism for controlling the receiver to receive the configuration specification within a length of time determined according to a time out condition.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention that it was old and well know in the computer art to get the advantage of saving system resources by setting a time out condition on receiving configuration specification to prevent the receiver form falling into an infinite wait-state loop. It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to include of a time out mechanism for controlling the receiver to get this advantage.
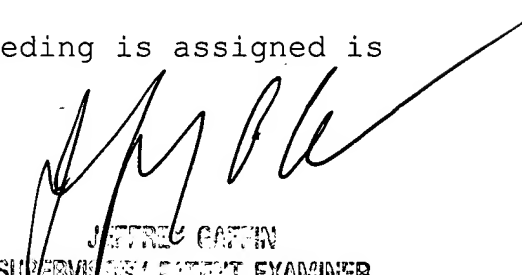
Conclusion

27.   The prior art made of record and not relied upon is

considered pertinent to applicant's disclosure. The following

documents have been made record of to further show the state of

the art as it pertains to configuring heedless devices:

    Gold U.S. Patent Number: 6,754,767 B2

    Poirier et al. U.S. Pat. App. No.: 2002/0156898 A1

    Any inquiry concerning this communication or earlier

communications from the examiner should be directed to Niketa I.

Patel whose telephone number is (571) 272 4156. The examiner

can normally be reached on M-F 8:00 A.M. to 5:00 P.M.

    If attempts to reach the examiner by telephone are

unsuccessful, the examiner's supervisor, Jeffrey A. Gaffin can

be reached on (571) 272 4146. The fax phone number for the

organization where this application or proceeding is assigned is

703-872-9306.

JEFFREY GAFFIN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

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12/04/2004